

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NAUTILUS INSURANCE COMPANY)	CASE NO. 5:09-CV-1949
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
vs.)	<u>RE-FILED</u>
)	<u>ANSWER OF DEFENDANT</u>
TR CONSTRUCTION, INC., et al.)	<u>ST. MATTHEW CHURCH TO</u>
)	<u>PLAINTIFF'S COMPLAINT</u>
Defendants.)	
)	<u>(WITH CORRECTED</u>
)	<u>CERTIFICATE OF SERVICE)</u>

Now comes defendant, St. Matthew Church, and for its answer to plaintiff's complaint, states as follows:

1. This defendant admits the allegations contained in paragraph 1 of the complaint.
2. This defendant denies for want of knowledge the allegations contained in paragraph 2 of the complaint.
3. This defendant denies for want of knowledge the allegations contained in paragraph 3 of the complaint.
4. This defendant denies for want of knowledge the allegations contained in paragraph 4 of the complaint.
5. This defendant admits that TR Construction, Inc. ("TR") filed a case in the Summit County Court of Common Pleas and that a copy of the dismissal is attached to the complaint as Exhibit B. This defendant denies for want of knowledge the allegations contained in paragraph 5 of the complaint not heretofore admitted to be true.

6. No response is necessary to the allegations contained in paragraph 6 of the complaint.

7. This defendant admits that it is listed as a mortgage holder in the policy. St. Matthew never had any mortgage on the property. It claims an equitable interest in any insurance proceeds.

8. No response is necessary to the allegations contained in paragraph 8 of the complaint.

9. This defendant denies for want of knowledge the allegations contained in paragraph 9 of plaintiff's complaint.

10. This defendant denies for want of knowledge the allegations contained in paragraph 10 of the complaint.

WHEREFORE, St. Matthew Church requests that it be awarded such legal and equitable relief to which it is entitled.

Respectfully Submitted,

/s/ John W. Solomon

John W. Solomon, Esq. (0018206)

Vorys, Sater, Seymour and Pease LLP

106 South Main Street, Suite 1100

Akron, Ohio 44308

Telephone: (330) 208-1013

Facsimile: (330) 208-1064

Email: jwsolomon@vorys.com

Attorney for Defendant St. Matthew Church

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of September, 2009, the foregoing *Answer of Defendant St. Matthew Church to Plaintiff's Complaint with CORRECTED Certificate of Service* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and to Panning Leasing Services, LLC and TR Construction, Inc. by regular mail delivery. Parties may access this filing through the Court's system.

/s/ John W. Solomon
John W. Solomon, Esq. (0018206)
Attorney for Defendant, St. Matthew Church